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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 5128 OF 2007

Shri.N.H. Patel ... Petitioner

Versus

ACIT 24(2) & Others ... Respondents

Mr.N.H. Patel, Petitoienr in person.

Mr.A.D. Kango for R. Nos. 1 to 4.

Mrs.Neeta P.Karnik for R.No.7.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 06, 2007

P.C.:

. In so far as Prayer Clause (1) is concerned, it is not possible to consider the relief at this stage as the petitioner has already preferred an appeal. If aggrieved by the order passed in appeal, it will be open to the Petitioner to take such steps in law to which he is entitled to.

. In so far as Prayer Clause (2) is concerned, that is the relief pertaining to what the Petitioner contends is the security deposit in the hands of the Maharashtra Jeevan Pradhikaran in respect of the contract which was awarded to him. It appears that by order in appeal dated 29.5.2007 he was called upon to deposit 10% of the outstanding amount in

order that the appeal be heard. It is the case of the Petitioners that the said amount should be adjusted from the security deposits which is lying in their hands. That relief cannot be considered in this petition. Whether the Petitioner is entitled to said relief is depending upon the outcome of dispute between the Petitioner at one hand and Respondent No. 7 on the other.

. In so far as other reliefs are concerned, the Petition suffersfrom a misjoinder of cause of action. It will be open to the Petitioner to take such steps in law to which he is entitled to in respect of the said reliefs.

. With the above observations, Petition stands disposed of.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**